

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DURAN IRVIN,)	
Plaintiff)	
)	
v.)	C.A. No. 04-10033-REK
)	
ANDREA CABRAL, et al.,)	
Defendants.)	

PROCEDURAL ORDER

On December 29, 2003, plaintiff Duran Irvin, now incarcerated at the Suffolk County House of Correction, submitted for filing his self-prepared, civil rights complaint (Docket No. 8) naming as defendants Sheriff Andrea Cabrawl, Deputy Superintendent Mary Mastrorilli, Joanne Lynes and David McJames. By Order dated January 21, 2004, plaintiff was granted 42 days to either pay the \$150.00 filing fee or file an Application to Proceed Without Prepayment of Fees.

In addition to filing the complaint that initiated the instant action, plaintiff Duran Irvin also filed a class action complaint with several accompanying documents. Docket Nos. 2-6. The documents are as follows: class action complaint (Docket No. 2); declaration in support of request for leave to proceed in forma pauperis (Docket No. 3); declaration in support of request to proceed in forma pauperis (Docket No. 4); and affidavit in support of class action (Docket No. 5).

The class action complaint and accompanying documents

were erroneously filed in the instant action and assigned docket numbers 2-5. Because they should be assigned a separate docket number, they will be returned to the Clerk for assignment of a new civil action number.

ORDER

Based upon the foregoing, it is hereby ORDERED that the documents numbered 2-5, be returned to the Clerk for the random assignment of a new civil action number.

SO ORDERED.

Dated at Boston, Massachusetts, this 10th day of February, 2004.

/s Robert E. Keeton

ROBERT E. KEETON
UNITED STATES SENIOR DISTRICT

JUDGE